IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 34801 of 2007(R)

PETITIONER:

NANDAKUMAR, S/O. LATE VASUDEVAN
EMBRANTHIRI, EMBRAMMADOM, NAIRAMBALAM.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS:

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1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
BOARD, ERNAKULAM.

2. GOVERNMENT OF KERALA, REPRESENTED BY
THE COMMISSIONER AND SECRETARY TO LABOUR
DEPARTMENT, THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR,
ERNAKULAM.

4. THE TAHSILDAR (R.R.),
KOCHI.

R1 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
R2 TO 4 BY GOVT. PLEADER SRI I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C) 34801 OF 2007

Dated: December 3, 2007

JUDGMENT

Revenue Recovery proceedings initiated against the petitioner is under challenge. The petitioner submits that his father was a defaulter against whom a final determination order was passed by the 1st respondent. An appeal was filed by the petitioner's father. However, during the pendency of the appeal, he expired and hence revenue recovery proceedings has been initiated against the petitioner.

2. This writ petition has been filed on the ground that an appeal filed by the petitioner's father is still pending. When this case came up for orders on 26.11.2007, it was adjourned to today with a direction to the standing counsel for the respondents to ascertain and submit whether the appeal is still pending. The standing counsel for the 1st respondent, on instructions, submits that the appeal has been dismissed as early as on 18.5.2005. Thereupon counsel for the petitioner submits that the petitioner was unaware of the dismissal of the appeal and on that basis seeks an instalment facility to discharge the liability.

3. I heard the learned counsel for the respondents on this request. It is submitted by the standing counsel for the 1st respondent that the amount due is more than Rs.1,57,000/-. However, it is the contention of the learned counsel for the petitioner that the petitioner has made certain payments.

4. Taking into account the submissions made by both sides, I dispose of

the writ petition with a direction that the petitioner shall remit the amount that is due to the 1st respondent in 5 equal monthly instalments commencing from 1.1.2008. Before that date the 1st respondent shall intimate the actual amount due, to the petitioner and thereupon the petitioner shall commence payment from 1.1.2008. The subsequent instalments will also be payable on the 1st of every succeeding month. Needless to mention that if the petitioner commits default of any one of the instalments, the respondents will be free to proceed with the revenue recovery action.

ANTONY DOMINIC, JUDGE

mt/-